

REMARKS

Claims 1-77 are pending in this application.

The Office has required restriction to one of the following inventions under 35 U.S.C. §§ 121 and 372:

- I. Claims 1-42, 44-45, 53-56, 66, 68, 69, and 75-77 (original), drawn to a polynucleotide of SEQ ID NO: 1, fragment thereof not contained in either SEQ ID NO: 2 or 3, or a sequence that would hybridize to SEQ ID NO: 1, and method of using polynucleotide in determining the condition that permits pearl formation by measuring nucleic acid expression levels.
- II. Claims 43, 72, 73, and 74 (withdrawn), drawn to a polypeptide encoded by a polynucleotide of SEQ ID NO: 1 fragment thereof not contained in either SEQ ID NO: 2 or 3, or a sequence that would hybridize to SEQ ID NO: 1.
- III. Claim 46 (withdrawn), drawn to a polynucleotide of contained in SEQ ID NO: 1 and SEQ ID NO: 2.
- IV. Claim 47 (withdrawn), drawn to a polynucleotide of contained in SEQ ID NO: 3.
- V. Claim 48 (withdrawn), drawn to a polynucleotide of contained in SEQ ID NO: 1 and SEQ ID NO: 3.
- VI. Claims 49-52 (withdrawn), drawn to a polynucleotide encoding nacrein or *Pinctada margaritifera* and fragments thereof.
- VII. Claims 57-59 (withdrawn), drawn to an antibody.

VIII. Claims 60-65, 67, 70, and 71 (withdrawn), drawn to a method of determining the condition that permits pearl formation by measuring protein.

Applicants hereby elect Group I (claims 1-42, 44-45, 53-56, 66, 68, 69, and 75-77) without traverse.

Applicants expressly reserve their right under 35 U.S.C. § 121 to file a divisional application directed to the nonelected subject matter during the pendency of this application, or an application claiming priority from this application.

Applicants request examination of the elected subject matter on the merits.

CONCLUSION

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **505492000100**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 6, 2004

Respectfully submitted,

By *Jill A. Jacobson*

Jill A. Jacobson

Registration No.: 40,030

MORRISON & FOERSTER LLP

755 Page Mill Road

Palo Alto, California 94304

(650) 813-5876